

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 28 2020 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS PALUMBO, NATASHA  
PALUMBO, ECOMMERCE NATIONAL,  
LLC d/b/a Tollfreedeals.com, and SIP  
RETAIL d/b/a sipretail.com,

Defendants.

**CV20-473**

Civil Action No.

**KORMAN, J.**

**MANN. M.J.**

**CERTIFICATION PURSUANT TO FED. R. CIV. P. 65(b)(1)(B)**

1. I am an Assistant United States Attorney in the Civil Division at the U.S. Attorney's Office for the Eastern District of New York. I make this certification pursuant to Fed. R. Civ. P. 65(b)(1)(B) in support of the United States' application for a temporary restraining order pursuant to 18 U.S.C. § 1345, whereby defendants Nicholas Palumbo, Natasha Palumbo, Ecommerce National, LLC d/b/a Tollfreedeals.com, and SIP Retail d/b/a sipretail.com (collectively, "Defendants") would be enjoined from engaging in an ongoing wire fraud scheme in violation of 18 U.S.C. §§ 1341 and 1349.

2. As set forth in detail in the accompanying Complaint and the Declarations of Special Agent Marcy Ralston of the Social Security Administration's Office of the Inspector General, and Postal Inspector Samuel Bracken of the United States Postal Inspection Service, the Defendants are utilizing the U.S. telecommunications network to participate in an ongoing scheme to defraud through facilitating the delivery of vast numbers of fraudulent telephone calls to victims,

among other fraudulent conduct, resulting in harm to victims throughout the United States, including elderly and vulnerable victims.

3. The Ralston and Bracken Declarations, together with the Complaint and accompanying exhibits, specifically set forth facts showing that the Defendants' conduct subjects thousands of victims to immediate and irreparable financial loss or other harm. The Declarations and Complaint further establish that the frauds are ongoing, and will continue to cause harm to victims during the interval between Defendants being given further notice and the Court's ruling on the United States' application for temporary relief. The Declarations and Complaints establish that Defendants continue to transmit large volumes of fraudulent telephone calls on a regular basis.


4. The temporary restraining order sought by the United States would enjoin Defendants from: (1) committing wire fraud, as defined by 18 U.S.C. §§ 1343 and 1349; (2) providing, or causing others to provide, call termination services for calls terminating in the United States or carrying any VoIP calls terminating in the United States; (3) providing toll-free telephone services for calls originating in the United States, including providing toll-free phone numbers to other individuals or entities; and (4) destroying, deleting, removing, or transferring any and all business, financial, accounting, and other records concerning Defendants' operations and the operations of any other corporate entity owned or controlled, in whole or in part, by Defendants. The requested relief would therefore immediately prevent harm to new victims.

5. The Court should not require the United States to provide notice to the Defendants prior to the entry of the requested relief, because notice potentially could allow the Defendants to destroy relevant business records before the parties are heard by the Court. In addition, during the time it would take to give Defendants notice, additional persons could be victimized through Defendants' regular delivery of fraudulent telephone calls through U.S. telecommunications

network, Defendants' provision of toll-free calling services used to further the wire fraud schemes, and through other conduct by Defendants in furtherance of the scheme such as through Defendants' receipt of funds from defrauded victims.

6. Therefore, the United States respectfully requests that the Court issue the proposed temporary restraining order without notice to Defendants.

Dated: January 28, 2020  
Brooklyn, New York

  
\_\_\_\_\_  
DARA A. OLDS  
Assistant United States Attorney  
Tel. (718) 254-6148  
dara.olds@usdoj.gov